

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WALLACE LEEROY REYER	§	PETITIONER
	§	
v.	§	CIVIL ACTION NO. 1:07cv657-LG-JMR
	§	
RON KING	§	RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATIONS GRANTING
MOTION TO DISMISS AND DENYING MOTION TO COUNTER**

This cause comes before the Court on the Report and Recommendation [17] of Chief United States Magistrate Judge John M. Roper entered in this cause on January 25, 2008, concerning Respondent Ronald King's Motion to Dismiss [14] and Petitioner Wallace Leeroy Reyer's Motion to Counter [15]. The record reveals that the Petitioner Wallace Reyer has not filed objections to the Magistrate Judge's recommendations. The Court finds that the Magistrate Judge properly recommended that Respondent's Motion to Dismiss be granted on the basis that the Petitioner failed to exhaust his state court remedies. Additionally, the Court finds the Magistrate Judge properly recommended that Petitioner's Motion to Counter be denied. After referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Report and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [17] of Chief United States Magistrate Judge John M. Roper entered on January 25, 2008, be, and the same hereby is, adopted as the finding of this Court. A separate

judgment will be entered herein in accordance with this Order as required by FED. R. CIV. P. 58.

SO ORDERED AND ADJUDGED this the 5th day of March, 2008.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE